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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,085	04/12/2004	Zhaoxia Xu		3084

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EXAMINER

ALEXANDER, REGINALD

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n No.

10/709,085

Applicant(s)

XU ET AL.

Examin r

Reginald L. Alexander

Art Unit

1761

-- The MAILING DATE of this communication appears on th cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, 8, 11-15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison.

There is disclosed in Harrison, a cooking device comprising: a housing 22; a container 28; a lid 24 hinged 58 to the housing; a bottom heating device 106; an overhead heating device 71, including an electrical resistance heater 72 installed on the lid; a stirring device 44; a drive shaft 175 located within a seal device 176 which is mounted within a central aperture of the container; a power-drive assembly 192, 194, 196, 198 coupled to the drive shaft; a blowing device 77; and a control device 204, coupled to the heaters and blower.

In regards to the recited function of the control device, including the heater dwell time and blower cycles, such function is a result of programming the device is provides no structural limitations to the claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 1761

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of De Longhi.

De Longhi discloses the use of a handle 18 hinged to the side of a cooking container.

It would have been obvious to one skilled in the art to provide the device of Harrison with the hinged handle disclosed in De Longhi, in order to eliminate extending handles which could cause an accident.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of McNair.

McNair discloses the use of a drive shaft seal device which extends upwardly to a predetermined height within a container.

It would have been obvious to one skilled in the art to substitute the seal device of Harrison with that disclosed in McNair, in order to reduce the chance of hot liquids contacting the drive shaft.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Krasznai et al.

Krasznai discloses an over-head heating element 26 having a surrounding heat-generating member 54 and lower covering piece 30.

It would have been obvious to one skilled in the art to provide the over-head heater of Harrison with the heat generator and cover piece disclosed in Krasznai, in order to radiate heat within the container and protect the heating element from damage.

In regards to the use of a transparent cover piece, it would have been obvious to one skilled in the art use the cover disclosed in Krasznai since the use of a transparent cover would be operationally the same.

Claims 16, 17, 20, 21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Lin.

Lin discloses that it is known in the art to provide a cooking device with venting device, including a filter for the fumes be removed from the cooking device.

It would have been obvious to one skilled in the art to provide the device of Harrison with the venting arrangement taught in Lin, in order to remove harmful fumes developed during cooking.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Wong.

Wong discloses that it is known in the art to provide an ingredient adding conduit 77 to the lid of a container, wherein the conduit has a closure member 79.

It would have been obvious to one skilled in the art to provide the lid of Harrison with the conduit and closure disclosed in Wong, in order to allow addition of food items to the container without raising the lid.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Lin as applied to claim 20 above, and further in view of Wong.

Wong discloses that it is known in the art to provide an ingredient adding conduit 77 to the lid of a container, wherein the conduit has a closure member 79.

It would have been obvious to one skilled in the art to provide the lid of Harrison, as modified by Lin, with the conduit and closure disclosed in Wong, in order to allow addition of food items to the container without raising the lid.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Lin as applied to claim 20 above, and further in view of De Longhi.

De Longhi discloses the use of a handle 18 hinged to the side of a cooking container.

It would have been obvious to one skilled in the art to provide the device of Harrison, as modified by Lin with the hinged handle disclosed in De Longhi, in order to eliminate extending handles which could cause an accident.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Siu and Chung are cited for their disclosure of the state of the art.

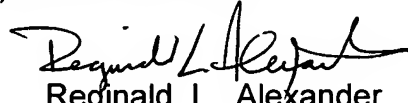
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rla  
07 June 2006

  
Reginald L. Alexander  
Primary Examiner  
Art Unit 1761